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**UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,)

Plaintiff(s),)

v.)

JOEL BOYD,)

Defendant(s).)

**CASE NO. SACV 08-0601 DOC
SACR 05-0072(A) DOC**

**ORDER TO SHOW CAUSE AND
DIRECTION TO RE-SUBMIT
OPPOSITION PAPERS**

Before the Court is Defendant Joel Boyd (“Defendant” or “Boyd”)’s Motion to Vacate, Set Aside or Correct Sentence (the “Motion”). The Motion was filed on May 29, 2008. On August 7, 2009, the Court granted the government’s request for an extension of time within which to file a response to the Motion from August 3, 2009 to September 8, 2009. The government thereafter purported to submit an opposition to Defendant’s Motion, which does not appear on the docket. In addition, the Court has thrice granted Plaintiff an extension to file a reply to the government’s opposition. The due date for Plaintiff’s reply was last extended to February 11, 2010, but no reply has yet been filed. While Plaintiff’s failure to timely file a reply

1 may indicate his desire to receive an adjudication on the merits of the Motion, the Court
2 recognizes that Plaintiff may simply require and desire additional time within which to develop
3 and file a reply.

4 Accordingly, the Court hereby ORDERS as follows:

- 5 1. Plaintiff is ORDERED TO SHOW CAUSE on or before May 30, 2010 as to
6 why this Court should not proceed to consider the Motion on the merits;
- 7 2. The government shall re-file its opposition to Plaintiff's Motion on or
8 before May 30, 2010.

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11 IT IS SO ORDERED.

12 DATED: May 5, 2010

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DAVID O. CARTER
United States District Judge